

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KONINKLIJKE PHILIPS ELECTRONICS
N.V. and U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

ENTERTAINMENT DISTRIBUTION
COMPANY (USA) LLC;
ENTERTAINMENT DISTRIBUTION
COMPANY; UNIVERSAL MUSIC
GROUP, INC.; UMG MANUFACTURING
& LOGISTICS, INC.; JAMES CAPARRO,
an individual; JORDAN COPLAND, an
individual; and John Does No. 1 through
100,

Defendants.

Case No. 08-cv-4070 (SCR)

**NOTICE OF PHILIPS' MOTION TO DISMISS PATENT MISUSE AND
TORTIOUS INTERFERENCE COUNTERCLAIMS ASSERTED BY
ENTERTAINMENT DISTRIBUTION COMPANY (USA) LLC
AND ENTERTAINMENT DISTRIBUTION COMPANY**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiffs Koninklijke Philips Electronics N.V. and U.S. Philips Corporation (collectively "Philips") move to dismiss the counterclaim for patent misuse and the two counterclaims for tortious interference with a business relationship filed by Entertainment Distribution Company (USA) LLC ("EDC LLC") and Entertainment Distribution Company ("EDC"). In support of this motion, Philips relies on the Declaration of Samuel Cummings Bass and the accompanying memorandum of law in support of Philips' Motion to Dismiss. Philips also requests a hearing on this motion.

WHEREFORE, Philips respectively prays that the Court dismiss the counterclaim for patent misuse and the two counterclaims for tortious interference with a business relationship for

failure to state a claim upon which relief can be granted, as set forth in the accompanying proposed Order, and that it grant such other relief as it deems just and proper.

Date: July 21, 2008

/s/ Christopher J. Houpt

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/s/ Christopher J. Houpt